

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BYRON JAMES BILBY,

Plaintiff,

v.

SGT. LACEY, et al.,

Defendants.

NO. 3:15-CV-00011

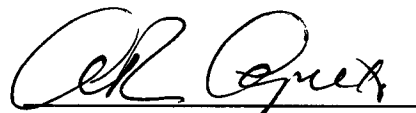
(JUDGE CAPUTO)

(MAGISTRATE JUDGE  
MEHALCHICK)

**ORDER**

NOW, this 17<sup>th</sup> day of March, 2016, upon review of the Report and Recommendation of Magistrate Judge Mehalchick (Doc. 18) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 18) is **ADOPTED in its entirety**.
- (2) Defendants' Motion to Dismiss Plaintiff's Complaint (Doc. 15) is **GRANTED**.
- (3) Plaintiff's claim for punitive damages against Defendants in their official capacities is **DISMISSED sua sponte**.
- (4) Plaintiff will be given **thirty (30) days** leave to amend his Complaint to identify the remaining John Doe Defendants and to assert a cognizable Eighth Amendment deliberate indifference claim against certain Defendants arising out of the failure to provide medical treatment for his seizure; and
- (3) The matter is **RECOMMITTED** to Magistrate Judge Mehalchick for further proceedings.



A. Richard Caputo  
United States District Judge